Minute No. 399
Report – Executive Policy Committee – June 6, 2018

Item No. 3 **Opening – North Side of Tascona Road, East of Shorehill Drive (St. Boniface Ward)**
File DAO 2/2018

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the proposed street opening, as shown on Misc. Plan No. 15324 (attached as Appendix "B"), be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street opening in accordance with Misc. Plan No. 15324.

3. That, in the event the subject opening is not proceeded with expeditiously and the by-law:

   A. is not enacted within two (2) years following the date the subject report is approved by Council, and

   B. is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

   the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to in clause (a) above and Council approves the extension.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – June 6, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 6, 2018, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Opening of the North Side of Tascona Road, East of Shorehill Drive – File DAO 2/2018

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	D. McNeil

EXECUTIVE SUMMARY

This report requests approval for the opening of the north side of Tascona Road, east of Shorehill Drive. The street opening is a condition of approval for subdivision and rezoning application DASZ 30/2010.

Randall Homes Ltd. is the applicant and owner of the subject property.

Council approval is required before the property can be legally opened as public right of way.

RECOMMENDATIONS

1. That the proposed street opening, as shown on Misc. Plan No. 15324 (attached as Appendix “B”), be approved.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street opening in accordance with Misc. Plan No. 15324.

3. That, in the event the subject opening is not proceeded with expeditiously and the by-law:

   (a) is not enacted within two (2) years following the date the subject report is approved by Council, and

   (b) is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to in clause (a) above and Council approves the extension.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The dedication of this property as a public street requires a by-law pursuant to Section 139 of The City of Winnipeg Charter. As per Section 4(20) of the Org By-law, Executive Policy Committee considers and makes "recommendations to Council on street, land and walkway closings and openings".

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street opening are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

On April 27, 2011, Council concurred in the recommendation of the Executive Policy Committee and approved subdivision and rezoning application DASZ 30/2010 for land located at Nos. 990 and 994 John Bruce Road East. One of the recommendations required the Developer to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" of the report of the Administrative Coordinating Group dated March 3, 2011, one of which being the transfer to the City and legally opening of property for a 2.0m widening of the Tascona Road right of way, in addition to legally opening the existing 0.3m wide control strip (then Lot 7, Plan 42014 WLTO) separating the Planned Area from Tascona Road.

On October 19, 2011, Council subsequently concurred in the recommendation of the Standing Policy Committee on Property and Development and approved a Servicing Agreement Amendment for DASZ 30/2010, indicating that the Tascona Road opening was not to proceed at that time, but to be opened, at no expense to the City, in the future by way of a DAO application and street opening plan, prior to the issuance of building permits on any of the proposed Lots 4, 5 and 6 of the subdivision.

Discussion

The Planning, Property and Development Department is proceeding with an application submitted by Randall Homes Ltd. to open the north side of Tascona Road, so identified on the attached copy of Misc. Plan No. 15324 (Appendix "B").

Randall Homes is the owner of Lots 4, 5 and 6, Plan 52381 WLTO, municipally addressed as Nos. 59, 63 and 67 Tascona Road. They are now proceeding with the development of three single family dwellings on these lots. The subject DAO application will fulfill the condition of approval for DASZ 30/2010 and allow for the issuance of building permits in order for construction to proceed.

Property required for the opening (Lot 8, Plan 52381 WLTO) is owned by Randall Homes, and consists of a grassed boulevard.

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street opening, and comments provided by the Geomatics and Land Development Branches of the Planning, Property and Development Department are attached as Appendix “A”.

FINANCIAL IMPACT

Financial Impact Statement Date: April 27, 2018

Project Name:

Proposed Opening of the North Side of Tascona Road, East of Shorehill Drive – File DAO 2/2018

COMMENTS:

All costs associated with the street opening are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance & Administration

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Legal Services (as to legal issues)
Corporate Finance
Public Works
Water and Waste
Transit

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS and Shaw Cablesystems

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject opening does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: April 23, 2018
File No: DAO 2/2018

Attachments:

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plan and Aerial View

APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street opening.

Administrative Comments

Geomatics Branch

Approval is subject to the provision of Discharges for any Instruments, other than those in favour of the City of Winnipeg or a Utility, that affect the subject opening area. Furthermore, the applicant/owner is responsible for the registration of the opening plan and associated documents at The Property Registry along with any associated costs for same.

Land Development Branch

The City of Winnipeg entered into Development Agreement AG 19/00 with the Developer of the lands for purposes of installing services along Tascona Road. As part of the AG 19/00 agreement, the City of Winnipeg agreed to include a one-foot control strip (0.3m) adjacent to privately owned land abutting Tascona Road.

The City is obligated under Clause 6, Section II, Schedule "C" of Development Agreement AG 19/00 to not permit access across the 1 foot strip until the owners of the adjoining lands have paid their share of the costs of the services in Tascona Road. The City is required to collect and pay recoveries for the existing services directly to the Developer under terms of the AG 19/00 agreement.

Further to the above, the City entered into Servicing Agreement AG 30/10 (DASZ 30/10) for purposes of collection of fronting services in Tascona Road and undertaking an application, to open (at no expense to the City) Lot 8, Plan 52381 WLTO (the subject lands under this DAO application). The DAO serves to provide the necessary widening of Tascona Boulevard of 2.0m and open the 0.3m existing control strip to provide the required widening and development access to Tascona Road.

Land Development has no objections to the DAO 2/2018 application, subject to the following condition: the applicant shall, prior to release of mylars under the subject DAO application, fulfill the obligations to either make payment to the City or provide written evidence satisfactory to the City that it has adequately compensated the party responsible for the construction of the Tascona Road services, all in accordance with Clause 9 (b), Section I of Schedule "C" under Servicing Agreement AG 30/10, to the satisfaction of the Director of Planning, Property and Development Department.

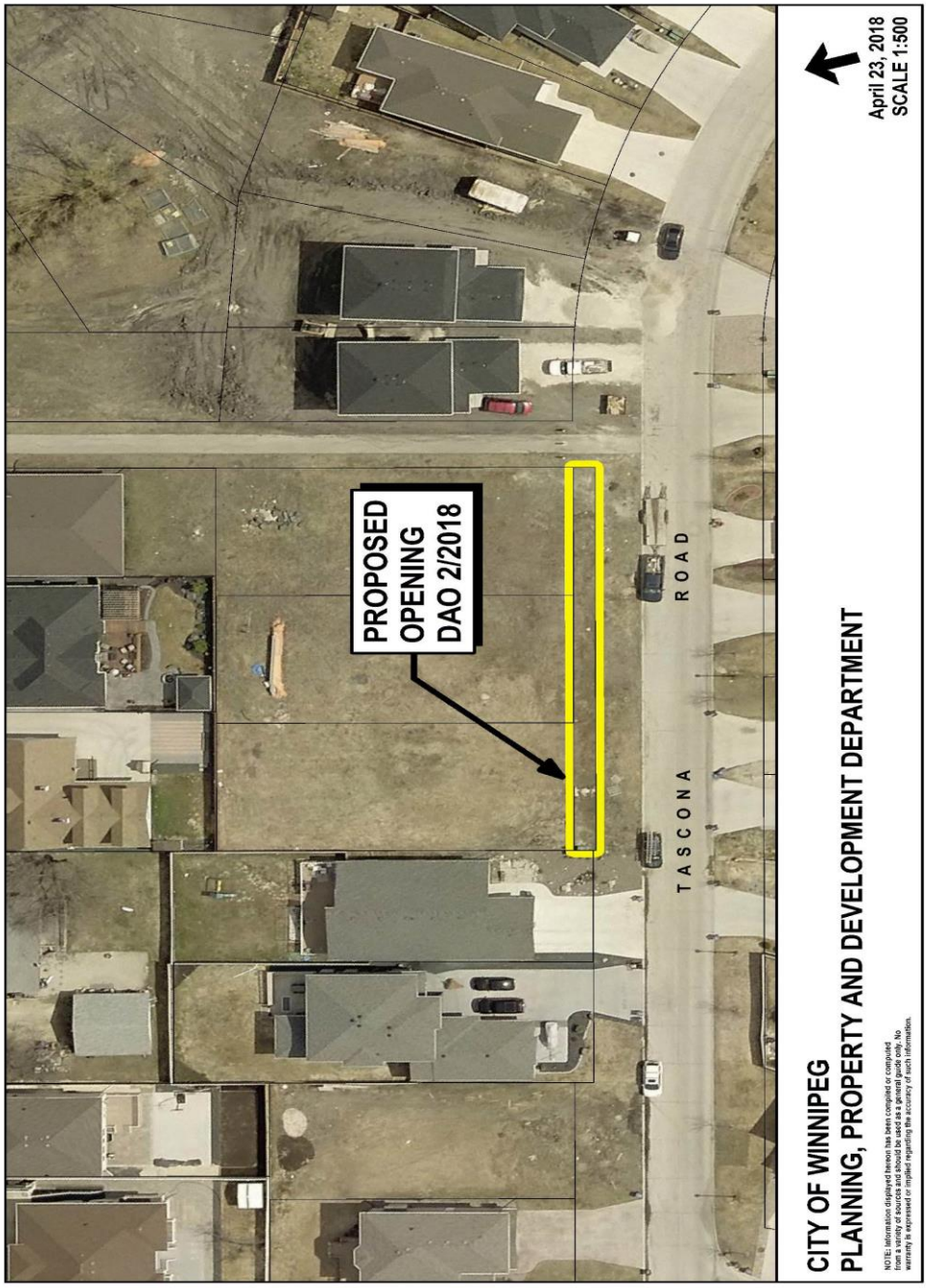
The Land Development Branch is currently in the process of making contact with Randall Homes (the applicant under DAO 2/2018) for purposes of addressing the requirements of the above noted condition.

By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

APPENDIX "B"

Aerial View of Subject Opening



Miscellaneous Plan

